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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,237	07/06/2001	Florian Stengele		3471

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EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,237

Applicant(s)

STENGELE ET AL.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the communication filed 02/28/2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tapperson (WO 96/12993).

Regarding claim 1, Patterson teaches a field transmitter 76-82 (fig. 2A) for process automation having a control device 110 for data input and display, wherein the control device 110 is in the form of a separately portable unit (fig. 2A), and control device 110 and field transmitter 76-82 are linked by radio (fig. 2A), the radio link being limited to the local area surrounding the field transmitter 76-82 (page 12, 1-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (WO 96/12993) in view of Fillebrown et al. (US 2004/0204041).

Regarding claim 1, Patterson teaches a field transmitter 76-82 (fig. 2A) for process automation having a control device 110 for data input and display, wherein the control device 110 is in the form of a separately portable unit (fig. 2A), and control device 110 and field transmitter 76-82 are linked by radio (fig. 2A), the radio link being limited to the local area surrounding the field transmitter 76-82 (page 12, 1-3). Patterson also teaches that the radio link can be different types of wireless link including short-range infrared communication, see col. 12, 1-3. Patterson fails to teach that the radio link is effected on the basis of the Bluetooth standard. In the short-range communication, Fillebrown teaches that the wireless link can be Home RF, IEEE 802.11, Bluetooth. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the Bluetooth protocol of Fillebrown into the system of Patterson in order to use free communication channels without the cost of license.

Regarding claim 3, the combination of Patterson and Fillebrown also teach that the field transmitter has a microprocessor P connected to a Bluetooth chipset SE, and wherein the control device B likewise has a

microprocessor P1 which is connected to a corresponding Bluetooth chipset SE1 (each device includes microprocessor 205 and inherently connects to Bluetooth chip, see [0063] of Fillebrown). The motivation is for the same reason as set forth above.

Regarding claim 4, Patterson as modified by Fillebrown also teaches that an antenna connection 114 is provided on the housing of the field transmitter 76-82 (fig. 2 of Patterson).

Regarding claim 5, Patterson as modified by Fillebrown also teaches that the field transmitter 76-82 is used for recording a process variable (page 9, 19-23 of Patterson).

Regarding claim 6, Patterson as modified by Fillebrown also teaches that the field transmitter 76-82 is connected to a central control unit by means of a field bus (page 9, 7-30 of Patterson).

6. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Fillebrown as applied to claim 1

above and further in view of Belanger et al. (US 5,875,186).

Regarding claim 7, Patterson fails to teach that the data transmission rate between field transmitter and control device is approximately 1 Mbit/sec.

The Bluetooth communication that uses IMS frequency bands with data transmission rate around 1 Mbit/sec is conventionally well known, as taught by Belanger in col. 34, 18-23). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the 1 Mbit/sec as taught by Belanger to the system of Patterson in order to comply with the FCC regulation.

Regarding claim 10, Patterson as modified teaches that the control device is a portable handheld appliance, see Patterson in page 10, 24.

Regarding claims 8-9, Patterson as modified fails to teach that the control device B is a portable computer or a palmtop. Fillerbrown teaches that a control device can be a portable computer or a palmtop. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to provide the laptop or palmtop computer to the system of Patterson

in order to achieve more functions in the control device.

Regarding claim 11, Patterson as modified also teaches that the control device is a portable radio telephone, see Fillebrown in [0040].

Allowable Subject Matter

7. Claim 15 is allowed.

Regarding claim 15, the prior art of record fails to teach all three steps as claimed.

Response to Arguments

8. Applicant's arguments filed 02/28/2005 have been fully considered but they are not persuasive.

Applicant contends that Bluetooth is used for connecting a mouse with a personal computer, which is different from connecting a field transmitter with a control device.

In response, Bluetooth is included in the short-range communication family as demonstrated by Fillebrown in [0008]-[0012] and 0048.

Therefore, the short-range communication system of Patterson (col. 12, 1-3, infrared) can be modified with the short-range Bluetooth communication of Fillebrown. Further, the Bluetooth can be used in a short-range; therefore, any devices in that range can be established as an ad-hoc.

Conclusion


9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (571)-272-7854. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/13/05
LEE NGUYEN
Primary Examiner
Art Unit 2682